IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 9610 of 2004

Between:

P.Dilshad Begum, W/o P.Anwar Khan,
R/o D.No.2-12, A.Kodur Village, Bandi Atmakur Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Nandyal, Kurnool District.
3 The Mandal Revenue Officer, Bandi Atmakur Mandal, Kurnool

District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in issuing the impugned Notification dated 1-6-2004 vide Rc.E.1854/2003 published in Vaartha Daily Newspaper on 10-6-2004 as illegal, arbitrary, unconstitutional and violative of Article 14 of the Constitution of India and consequently direct the respondents herein to continue the petitioner as Fair Price Shop Dealer in Ward No.1 and 2 of A.Kodur Village, Bandi Atmakur Mandal, Kurnool District and to set aside the impugned notification in so far as Ward No.1 and 2 of A.Kodur Village is concerned.

Counsel for the Petitioner: MR.D.BHASKAR

Counsel for the Respondents: Govt.Pleader for Civil Supplies

The Court at the admission stage made the following :

ORAL ORDER:

The petitioner was granted authorization to run a fair price shop in Ward Nos.1 and 2 at A.Kodur village, Bandi Atmakur Mandal, Kurnool District. By proceedings dated 8-11-2003 issued by the second respondent, the authorization of the petitioner was cancelled on certain allegations of diversion of rice meant for Food For Work programme. The petitioner filed an appeal before the Joint Collector, Kurnool on 3-12-2003. The appeal is admittedly pending. While so, the second respondent, Revenue Divisional Officer, issued a notification dated 1-6-2004 inviting applications from the eligible candidates for filling up the vacancy of the fair price shop in question on permanent basis. Aggrieved by the same, this writ petition is filed.

I have heard the learned counsel for the petitioner and the learned Govt. Pleader for Civil Supplies.

Since the petitioner has filed an appeal against the order of cancellation dated 8-11-2003, and since the same is admittedly pending, I am of the view that it would not be proper for the Revenue Divisional Officer to make any appointment to the shop in question even before the statutory appeal is disposed of. However, the learned Govt. Pleader states that the selection process is already in progress in pursuance of the impugned notification dated 1-6-2004.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the first respondent, Joint Collector, to consider the appeal filed by the petitioner against the order of cancellation dated 8-11-2003 and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till then, the appointment in pursuance of the impugned notification dated 1-6-2004 shall not be finalized in case the same has not already been finalized.

The writ petition is accordingly disposed of at the admission stage.

26th July 2004.

ARS

To

1. The Joint Collector, Kurnool, Kurnool District.
2. The Revenue Divisional Officer, Nandyal, Kurnool District.
3. The Mandal Revenue Officer, Bandi Atmakur Mandal, Kurnool

District.

4. 2 CCs to Govt. Pleader for Civil Supplies.

5. 2 CD copies.